

STATE

(a)

STATE DIVISION OF ARCHIVES AND RECORDS MANAGEMENT

Records Retention

Proposed New Rules: N.J.A.C. 15:3-2.7 and 4.10

**Proposed Amendments: N.J.A.C. 15:3-3.5, 3.6, 4.2,
4.3, 4.5, 5.4, 6.3, 7.2, 7.5, 7.7, 7.10 and 8.4**

Authorized by Nina Mitchell Wells, Esq., Secretary of State.

Authority: P.L. 2003, c. 117, §§38 and 39 (N.J.S.A. 22A:4-4.1 and 4.2)

Calendar Reference: See Summary below for explanation of
exception to calendar requirement.

Proposal Number: PRN 2006-294.

Submit written comments by November 4, 2006 to:

Karl J. Niederer, Director

Division of Archives and Records Management

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The agency proposal follows:

Summary

Pursuant to P.L. 1920, c.46 (N.J.S.A. 47:2-3 et seq.) as amended, P.L. 1953, c.410 (N.J.S.A. 47:3-25 et seq.) as amended, and P.L. 1994, c.140 (N.J.S.A. 47:3-26 et seq.), the Division of Archives and Records Management in the Department of State, with the approval of the State Records Committee as established by section 6 of P.L. 1953, c.410 (N.J.S.A. 47:3-20), is charged with the responsibility for establishing the framework for the management of public records of the State of New Jersey in a systematic and comprehensive fashion. State and local government agencies are required to make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency and to provide prompt and timely access to the same.

The Division of Archives and Records Management with the approval of the State Records Committee promulgated revised rules for the management, storage and preservation of the records of State and local government agencies in N.J.A.C. 15:3-1 through 6 on September 2, 2003 at 35 N.J.R. 4084(a). Certain provisions amending and supplementing N.J.A.C. 15:3-1 through 6 are hereby proposed by the Division of Archives and Records Management in order to clarify and expand upon sections within the existing rules previously promulgated by the Division under the aforementioned authority.

P.L. 1994, c.140 amends Section 12 of P.L. 1953, c.410, §12 (N.J.S.A. 47:3-26) and other sections of the New Jersey Statutes to allow use of image processing systems for keeping public records under standards, procedures and guidelines established by the Division of Archives and Records Management with the approval of the State Records Committee. The Division of Archives and Records Management, with the approval of the State Records Committee, adopted as new rules on September 2, 2003 at 35 N.J.R. 4084(a), “standards, procedures and rules for image processing of public records for preservation, examination, and use of such records” at N.J.A.C. 15:3-4 as required by P.L. 1994, c.140, §6 (N.J.S.A. 47:1-12) and P.L. 1953, c.410, §12 as amended by P.L. 1994, c.140, §4 (N.J.S.A. 47:3-26).

The Division of Archives and Records Management is proposing amendments to Subchapters 2, Records Retention, 3, Standards for Microfilming of Public Records, 4, Image Processing, and 5, Certification of Image Processing Systems, to clarify or supplement certain provisions within those rules in order to set standards for use of permanent paper for backup of imaged records, single page TIFF files for imaging bitonal (black and white) records, and the PNG format for grayscale and color imaging of certain records.

Section 38 of P.L. 2003, c.117 (N.J.S.A. 22A:4-4.2) established the New Jersey Public Records Preservation Account for “the management, storage and preservation of public records.” A key component of this legislation earmarked a portion of certain document filing and recording fees collected by county clerks and deposited into this account “for grants to counties and municipalities for the management, storage and preservation of public records.” The Division of Archives and Records Management (DARM) is responsible for administering this grant program. Subsection 38(b) of P.L. 2003, c.117 authorizes the Division, in consultation with the State Records Committee, pursuant to the provisions of the Administrative Procedure Act, N.J.S.A. 52:148-1 et seq., to “make, adopt, amend, or repeal such rules and regulations as the Division finds necessary to carry out the provisions of this legislation.”

The Division of Archives and Records Management promulgated rules establishing the Public Archives and Records Infrastructure Support (PARIS) grant programs at N.J.A.C. 15:3-7 on December 20, 2004 at 36 N.J.R. 5688(a) and the Records Disaster and Triage (Records DIRECT) grant program at N.J.A.C. 15:3-8 on December 20, 2004 at 36 N.J.R. 5691(a). Certain amendments to the rules for the PARIS grant program were adopted effective June 5, 2006 at 38 N.J.R. 2509(a). The Division is proposing amendments to subchapters 7 and 8 of N.J.A.C. 15:3, Records Retention, to clarify certain provisions for the administration of the PARIS and Records DIRECT grant programs.

The proposed amendments and additions to N.J.A.C. 15:3, Records Retention, contain the following provisions:

N.J.A.C. 15:3-2.7, Standards for paper for permanent records, is added to the rules in response to questions from State and local agencies for further guidance on selection of permanent paper for use for public records with long-term or permanent retention schedules.

N.J.A.C. 15:3-3.5, State and local agencies; microfilmed records, is amended to clarify the existing requirements for inspection and certification of microfilm for public records by the Chief of the Bureau of Micrographics and Alternative Records Storage or

the Supervisor of Micrographics and Imaging Services by specifying that an agency must submit samples of microfilm for inspection: (1) before proceeding with any project for microfilming any records of any State or local government agency, (2) along with any request sent to the Division of Archives and Records Management for authorization for the destruction of any record series or series of records that has been microfilmed or requires microfilm backup, and (3) at least once in each six-month period, or at the request of the Chief of the Bureau of Micrographics and Alternative Records Storage or the Supervisor of Micrographics and Imaging Services. Paragraph (b)4 is added and states that agencies should submit a copy of any specification for microfilming of public records or duplication of microfilm in a Request For Proposal, contract or similar document to the Chief of the Bureau of Micrographics and Alternative Records Storage or the Supervisor of Micrographics and Imaging Services to determine that they conform to State standards.

New N.J.A.C. 15:3-3.6(c) is added to N.J.A.C. 15:2-2.6, Microfilm standards; reproduction of original records, to insure the integrity and authenticity of public records of State and local governments by preventing the production of microfilm that does not meet State standards. The new subsection prevents an agency from producing or using such microfilm unless and until the agency petitions the State Records Committee to declare legacy records that have been microfilmed that do not meet State standards or contain images of legacy records that are not original records as “best available evidence.” In the event that a roll of microfilm has been designated as “best available evidence” by the State Records Committee, the new subsection requires that a target shall be filmed with or added to any such existing microfilm at the beginning and end of the roll of microfilm. The required target must contain a declaration concerning the source of the image and that the image is the best available evidence, as designated by the State Records Committee.

N.J.A.C. 15:3-4.2. Definitions has been amended to update and correct the information on the issuing authority for the national and international standards and how to obtain a copy of these standards. In addition, information on the proposed standards added to N.J.A.C. 15:3-4.3 for paper to be used for permanent and long-term records has been added to the definitions in N.J.A.C. 15:3-4.2 (“American Society for Testing” and “Materials and Technical Association of the Pulp and Paper Industry”).

N.J.A.C. 15:3-4.3(c) has been amended to include a cross-reference to N.J.A.C. 15:3-2.7 for paper to be used for permanent and long-term records have been added to the standards previously incorporated by reference in N.J.A.C. 15:3-4.3. The standards for permanent paper are contained within proposed as new N.J.A.C. 15:2.7 Information on the issuing authority for these standards and how to obtain a copy of them has been added to the current listing in N.J.A.C. 15:3-4.2.

N.J.A.C. 15:3-4.5(a) is amended to specify the requirement for use of single page Tagged Image File Format (TIFF) for digital imaging of bitonal (black and white) public records in order to prevent the loss of records of State and local government agencies due to corruption of multi-page TIFF images. In addition, the rule is amended to allow use of the Portable Network Format (PNG) for grayscale or color imaging of certain public records with the approval of the Division of Archives and Records Management. International standard ISO/IEC 15948:2003 is incorporated into the rules by reference, as amended or supplemented, for use and implementation of the PNG file format. Use of

this format shall require the approval of the Division of Archives and Records Management. The approval shall require an application that must include copies of the images in both TIFF and PNG formats, and an attestation that the images in the TIFF format do not create an accurate reproduction.

N.J.A.C. 15:3-4.10: Scanning legacy records; best evidence, is added to the regulations for Image Processing of Public Records to allow for the designation of images in an image processing system of legacy records that do not conform to State standards, scanned images from uncertified microfilm that does not conform to State standards, or scanned documents that are not original records as the best available evidence by the State Records Committee upon petition by the State or local government agency involved.

At N.J.A.C. 15:3-5.4 in N.J.A.C. 15:3-5, Certification of Image Processing Systems, subsection (e) is amended to clarify the certification process if an image processing system contains images of legacy records that do not conform to State standards or scanned images from uncertified microfilm that does not conform to State standards. The amended subsection states that the image processing system may not be certified unless or until such records are deleted from the system or are approved by the State Records Committee as “best available evidence” and are identified as such in the system.

N.J.A.C. 15:3-6.3(b)2 is amended to correct the cross-reference to the Uniform Construction Code (UCC), by removing the New Jersey Register citation and publication date, N.J.A.C. 15:3-6(c) is amended to clarify that the UCC, promulgated by the Department of Community Affairs, applies to construction of record storage facilities for storage of public records.

N.J.A.C. 15:3-7.2, Definitions, is amended to clarify the criteria for project managers for Public Archives and Records Infrastructure Support (PARIS) grants for municipalities. The amendment to the rule states that Municipal Clerks may delegate their responsibilities as project managers to another person.

N.J.A.C. 15:3-7.5, Eligible costs, is amended to include certain expenses directly related to a grant project as eligible for grants, including a paragraph (a)10, certain filing equipment such as open shelf lateral files and file cabinets and fire-resistant file cabinets; at paragraph (a)14, personnel, such as conservation/preservation consultants, clerical workers, and laborers; certain filing equipment, such as open shelf lateral files and file cabinets and fire-resistant file cabinets; purchased services, such as freeze drying, microfilming, freezer storage, transportation and rental; and supplies, such as acid free boxes, folders, and other enclosures, cleaning materials, plastic milk crates, and storage boxes; at paragraph a(16), and lease or rental of temporary office space for records triage or disaster recovery or office space for records management pending a move to a new facility, upon approval by the State Records Committee.

N.J.A.C. 15:3-7.7, Procedures, is amended to clarify that a Municipal Clerk may delegate his or her responsibilities as signatory and project manager for PARIS grants to a designee so long as the same is approved by the State Records Committee. A provision is also added to subsection (c) for DARM staff to review grant applications to determine if proposed projects conform to State rules and that all relevant records have been certified or shall be certified during the course of the grant project before submission of the application to the State Records Committee.

N.J.A.C. 15:3-7.10(b) is amended to specify the inclusion in the annual public notice concerning PARIS grants for the current grant cycle, minimum and maximum grant award amounts and priorities established by the State Records Committee, including a listing of categories, subcategories, and specific projects that may be funded during the current grant cycle.

N.J.A.C. 15:3-8.4, Eligible costs, is amended to include lease or rental of temporary office space or records storage for disaster recovery as eligible expenses for funding under the Records DIRECT grant program upon approval by the State Records Committee.

A 60-day comment period is provided for this notice of proposal, and therefore, pursuant to N.J.A.C. 1:30-3.3(a)5, this proposal is not subject to the provisions of N.J.A.C. 1:30-3.1 and 3.2 governing rulemaking calendars.

Social Impact

The proposed amendments and new rules will have a positive social impact by clarifying existing procedures for making competitive grants available to counties and municipalities for specific public records management, storage and preservation efforts. The effective, economic and efficient management, storage and preservation of public records will be enhanced by the availability of PARIS grants to counties and municipalities. Furthermore, the proposed amendments to the rules regarding records management will improve management, storage and preservation of records of State and local government agencies. All of these efforts benefit all New Jersey residents because they further ensure the integrity of government records. Establishment and improvement of records management, storage and preservation efforts will result in improved access to public records and improved record quality.

Economic Impact

The proposed amendments and new rules regarding records management will assist in the establishment of effective, economic and efficient management, storage and preservation of public records and will ultimately reduce the costs of county and local government and result in monetary savings for the citizens of New Jersey. In addition, the proposed amendments regarding the PARIS and Records DIRECT grant programs will facilitate the distribution of grant funds; provide the means by which grant funds are available to counties and municipalities for specific public records management, storage, and preservation efforts, and have a positive economic impact on those counties and municipalities that are awarded grants.

The requirement for the use of permanent non-alkaline paper for public records with long-term or permanent retention schedules was previously adopted. The standards for permanent paper cited in the proposed new rules are in response to requests from several agencies for DARM to clarify the requirement and to provide specifications for the purchase of such paper. As a result, State and local government agencies may not incur any additional expenses due to their adoption. Any additional expenses resulting from the proposed additional standards or specifications should be offset by future expenses that would result from use of alkaline paper that would deteriorate over time and would require expensive deacidification or reproduction of the records onto another more permanent medium.

The proposed use of the PNG file format for grayscale or color images of records may result in some expense for some agencies whose imaging systems may not be currently capable of creating or utilizing PNG images. Agencies may incur additional expenses in order to upgrade their systems or to have the records scanned by a service bureau, but such records would not be able to be scanned or used in an electronic records system if the PNG format was not available to them.

Federal Standards Statement

A Federal standards analysis is not required because the proposed amendments and new rules are not subject to any Federal standards or requirements.

Jobs Impact

The Division of Archives and Records Management does not anticipate that any jobs will be lost as a result of the proposed amendments and new rules. To the extent that grant awards may include hiring new archives and records personnel as well as temporary personnel related to specific grant projects, the proposed amendments concerning the PARIS grant program may generate new jobs.

Agriculture Industry Impact

The proposed amendments and new rules will not have any impact on the agriculture industry in New Jersey.

Regulatory Flexibility Statement

The proposed amendments and new rules will not apply to any “small businesses” as that term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. These proposed new rules apply only to certain public entities.

Smart Growth Impact

The proposed amendments and new rules will not have an impact on the achievement of smart growth or the implementation of the State Development and Redevelopment Plan.

Full text of the proposed amendments follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

15:3-2.7. Standards for Paper for Permanent Records

(a) Statement of applicability. These standards shall apply to records of State or local government agencies that have been designated as permanent or archival records pursuant to P.L. 1953, c.410 (N.J.S.A. 47:3-15 et seq.) and to any volumes or papers used for recording permanent or archival records.

(b) Referenced Standards. This standard for paper for permanent records is intended to be used in conjunction with the following standards which are incorporated herein by reference. When these standards are superseded by a revision, approved by the promulgating organization, the revision shall apply. The issuing authority and how to obtain a copy of these standards can be found in N.J.A.C. 15:3-4.2.

1. National Information Standards Organization, NISO Z39.45-1992, Permanence of Paper for Printed Publications and Documents in Libraries and Archive;
2. American Society for Testing and Materials, D3290-81, Standard Specifications for Bond and Ledger Papers for Permanent Records and D3208-81, Standard Specifications for Bond and Ledger Papers for Permanent Records;
3. American National Standards Institute, ANSI Z39.49-1984, Permanence of Paper for Printed Library Material; and
4. Technical Association of the Pulp and Paper Industry, T 509om-83, Hydrogen Ion Concentration (pH) of Paper Extracts – Cold Extraction Method.

(c) Definitions. The following words and phrases, as used in this section shall have the standard meaning as established in ASTM D1968-02a, Standard Terminology Relating to Paper and Paper Products incorporated herein by reference, as amended and supplemented except as otherwise defined in State statutes, including:

“Alkaline reserve” means the presence of a compound (e.g. calcium carbonate) put in paper at a level sufficient to neutralize acid that might, in the future, be generated from aging of the paper or from atmospheric pollution.

“Groundwood” means pulp produced by mechanically defibering wood without chemical cooking; such pulp contains many substances deleterious to the permanence of paper.

“pH” means the negative logarithm of the hydrogen ion activity in an aqueous solution or the logarithm of the reciprocal of the hydrogen ion activity. Numerically expressed, pH 7 is neutral, lower numbers are acidic. Higher numbers are alkaline. The concentration of the free hydrogen ions is expressed as an exponent, so the pH 4 is 10 times more acidic than pH 5 and 100 times more acidic than pH 6.

“Permanence,” for the purpose of this standard when referring to paper, means paper that will last at least several hundred years without significant deterioration under normal use and storage conditions.

“Uncoated,” for the purpose of this standard when referring to paper, means paper that is composed of fiber plus fillers, sizing, dyes, etc., but with no surface coating in excess of 2.5 pounds per side for every 500 sheets measuring 25 inches by 38 inches.

(d) Minimum Requirements - uncoated permanent paper. In addition to the standards in (b) above, uncoated permanent paper shall meet all of the following minimum requirements:

1. pH. Minimum pH of 7.5 in accordance with the cold extraction method described in Technical Association of the Pulp and Paper Industry, T 509om-83, “Hydrogen Ion Concentration (pH) of Paper Extracts – Cold Extraction Method;
2. Alkaline reserve. Minimum alkaline reserve equivalent to two percent calcium carbonate based on oven dry weight of the paper;
3. Paper stock. The paper shall include no groundwood or unbleached pulp;
and

- 4. Paper weight. Minimum paper weight of 24 pound is required of records being held or reproduced in book form for permanent retention or use in a State or local government agency.**

15:3-3.5. State and Local Agencies; Microfilmed Records

(a) (No change.)

(b) All State or local government agencies engaged in microfilming public records or causing their records to be microfilmed shall:

1. Submit samples of one or more rolls of microfilm for inspection by the Chief of the Bureau of Micrographics and Alternative Records Storage or the Supervisor of Micrographics and Imaging Services before proceeding with any project for microfilming any record series or series of records of any such State or local government agency. No microfilm project shall proceed unless or until such microfilm has been inspected and certified by the Chief of the Bureau of Micrographics and Alternative Records Storage or the Supervisor of Micrographics and Imaging Services as conforming to State standards pursuant to N.J.A.C. 15:3-3.

2. Submit a sample of one roll of microfilm for inspection by the Chief of the Bureau of Micrographics and Alternative Records Storage or the Supervisor of Micrographics and Imaging Services along with any request sent to the Division of Archives and Records Management for authorization for the destruction of any record series or series of records that has been microfilmed or requires microfilm backup. No authorization for the destruction of such records shall proceed unless or until such microfilm has been inspected and certified by the Chief of the Bureau of Micrographics and Alternative Records Storage or the Supervisor of Micrographics and Imaging Services as conforming to State standards pursuant to N.J.A.C. 15:3-3.

3. Submit samples of one or more rolls of microfilm for inspection by the Chief of the Bureau of Micrographics and Alternative Records Storage or the Supervisor of Micrographics and Imaging Services at least once in each six months period beginning with each calendar year. If the Chief of the Bureau of Micrographics and Alternative Records Storage or the Supervisor of Micrographics and Imaging Services determines that such microfilm does not conform to State standards pursuant to N.J.A.C. 15:3-3, such microfilm project shall not proceed unless or until any deficiencies or errors are corrected and such microfilm has been inspected and certified by Chief of the Bureau of Micrographics and Alternative Records Storage or the Supervisor of Micrographics and Imaging Services as conforming to the aforementioned State standards, and

4. Submit a copy of any specification for microfilming of public records or the production or duplication of microfilm of public records contained in a Request For Proposal (RFP), contract or similar document to the Chief of the Bureau of Micrographics and Alternative Records Storage or the Supervisor of Micrographics and Imaging Services for technical review to determine that they conform to State standards pursuant to the provisions of N.J.A.C. 15:3-3.

(c) The Chief of the Bureau of Micrographics and Alternative Records Storage or the Supervisor of Micrographics and Imaging Services may request, at his or her discretion, any State or local government agency engaged in microfilming public records or causing their records to be microfilmed to submit one or more rolls of

microfilm for inspection. If the Chief of the Bureau of Micrographics and Alternative Records Storage or the Supervisor of Micrographics and Imaging Services determines that such microfilm does not conform to State standards pursuant to N.J.A.C. 15:3-3, such microfilm project or projects shall not proceed unless or until any deficiencies or errors are corrected and such microfilm has been inspected and certified by Chief of the Bureau of Micrographics and Alternative Records Storage or the Supervisor of Micrographics and Imaging Services as conforming to the aforementioned State standards.

15:3-3.6. Microfilm Standards; Reproduction of Original Records

(a)-(b) (No change.)

(c) The standards for microfilming records, other than original records are as follows:

1. Pursuant to the provisions of P.L. 1953, c.410 (N.J.S.A. 47:3-15 through 32) as amended, no record series or series of records created, received or maintained by State or local government agencies shall be transferred to microfilm, unless or until such microfilm or other microforms have been inspected and certified as conforming to State standards pursuant to this subchapter by the Chief of the Bureau of Micrographics and Alternative Records Storage or the Supervisor of Micrographics and Imaging Services;

2. No record series or series of records except original records created, received or maintained by State or local government agencies shall be transferred to microfilm. If microfilm or other microforms have been created, caused to be created, or projected to be created by an agency do not conform to State standards pursuant to this subchapter or consists of or contains images of records that are not the original records and the original records no longer exist due to loss, theft, destruction, natural disaster, or human causes, the agency shall petition the State Records Committee to declare such records as the best available evidence of the action or transaction of the agency that the records document; or

3. In the event that a roll of microfilm that consists of or contains images of records that are not the original records or does not conform to State standards for microfilm pursuant to this subchapter has been designated as “best available evidence” by the State Records Committee, a target shall be filmed or added to any such existing microfilm at the beginning and end of the roll of microfilm. The required target shall contain a declaration concerning the source of the image and note that the image has been designated by the State Records Committee as the best available evidence of the actions or transactions documented by the records reproduced in said roll of microfilm.

15:3-4.2. Definitions

The words and terms used in this subchapter shall have the standard meaning as established in Technological Report for Information and Image Management--Glossary of Imaging Technology (ANSI/AIIM TR2-1992, as amended and supplemented, incorporated herein by reference) and in Glossary of Records Management Terms--A Guideline (ARMA A4542, as amended and supplemented, incorporated herein by reference), except as otherwise defined in State statutes, including:

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"AIIM" means the Association for Information and Image Management (AIIM), a standards-setting body affiliated with the American National Standards Institute (ANSI), which is the principal developer of standards for microforms and information storage technologies involving images, such as optical disks and scanners. The address of the Association for the purpose of ordering [publications] **copies of their standards** is as follows:

Association for Information and Image Management
AIIM Publication Sales
1100 Wayne Ave., Suite 1100
Silver Spring, MD 20910-5603
Telephone: (301) 587-8202
Fax: (301) 587-2711
Website: <http://www.aiim.org>

"ANSI" means the American National Standards Institute [(ANSI)], a private national standards organization in the United States, which coordinates the development and maintenance of various industry standards. ANSI serves as the United States representative to the International Organization for Standardization (ISO). The Institute's address is as follows:

American National Standards Institute
[11 West 42nd St., 13th Floor] **25 West 23rd Street**
New York, NY 10036
Telephone: (212) [642-4900] **642-4980**
Fax: (212) 302-1286 (orders only)
Website: <http://www.ansi.org>

"ARMA" means the Association of Records Managers and Administrators International [(ARMA)], which is the principal records and information management association in the United States and Canada, and one of the organizations accredited by the American National Standards Institute [(ANSI)] to develop records management standards. The [Association's] address **of the Institute for the purpose of ordering copies of their standards** is as follows:

Association of Records Managers and Administrators International
[4200 Somerset Dr., Suite 215
Prairie Village, KS 66208]
ARMA Publication Sales
P.O. Box 606
Benton Harbor, MI 49023-0606
Telephone: [(800) 422-2762] **(888) 241-0598**
Fax: [(913) 341-3742] **(269) 982-1652**
Website: <http://www.arma.org>

"ASMT" means ASTM International, originally known as the American Society for Testing and Materials (ASTM), one of the largest voluntary standards development organizations in the world-a trusted source for technical standards for materials,

products, systems, and services. ASTM International standards have an important role in the information infrastructure that guides design, manufacturing and trade in the global economy. The address of the Society for the purpose of ordering copies of their standards is as follows:

**ASTM International
100 Barr Harbor Drive,
P.O. Box C700
West Conshohocken, PA 19428-2959
Telephone: (610) 832-9585
Website: <http://www.astm.org>**

"CCITT" means the Consultative Committee for International Telegraphy and Telephony [(CCITT)], a constituent of the International Telecommunications Union (ITU), which is an international organization headquartered in Geneva, Switzerland, within which governments and the private sector coordinate global telecommunications networks and services. Founded in Paris in 1865 as the International Telegraph Union, the International Telecommunications Union took its present name in 1934 and became a specialized agency of the United Nations in 1947. Under the reorganization of the ITU in 1992, the CCITT was consolidated with the Telecommunications Standardization Sector (ITU-T) of the agency. The Committee's address for the purpose of ordering [publications] **copies of their standards** is as follows:

[Sales Services]
International Telecommunications Union
Sales and Marketing Division
Place des Nations
CH-1211 Geneva 20
Switzerland
Telephone: [+41 22 730 641] +41 22 73 **61 41** (English)
Telefax: +41 22 730 51 94
Website: <http://www.itu.int/home>

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"DoD" means the Department of Defense, a cabinet-level agency of the United States government, which establishes standards for the Department's functional community for use in automated information systems. The Department's address for the purpose of ordering [publications] **copies of their standards** is as follows:

Defense Technical Information Center (DTIC)
[8725 John J. Kingman Rd., Suite 0944
Fort Belvoir . VA 22060-6218]
National Technical Information Service
5285 Port Royal Road
Springfield, VA 22161
Telephone: [(800) 225-3842] **(800) 553-6847**
Website: <http://www.dtic.mil>

"IEEE" means the Institute of Electrical and Electronic Engineers, the world's largest technical professional organization, which establishes standards in the fields of electrical,

electronics and computer engineering. The Institute's address for the purpose of ordering [publications] **copies of their standards** is as follows:

IEEE Computer Society Press
Customer Service Center
10662 Los Vaqueros Circle
P.O. Box 3014
Los Alamitos, CA 90720-1314
Telephone: [(800) CS-BOOKS] **(800) 272-6657**
Fax: [(714) 821-4641] **(714) 821-4010**
Website: <http://www.computer.org/cspress>

...

"ISO" means the International Organization for Standardization, which coordinates national standards bodies worldwide. The [Organization's] address **of the Organization for the purpose of ordering copies of their standards** is as follows:

International Organization for Standardization
Central Secretariat
1 rue de Varembe
Case postale 56
CH-1211 Geneva 20
Switzerland
Telephone: +41 22 749 01 11
Fax: [41 22 733 34 30] **+41 22 749 09 47**
Website: <http://www.iso.ch/iso/en/ISOOnline.frontpage>

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"NISO" means the National Information Standards Organization, which is the principal United States organization for the development of library, archival and information management standards. Its members include the Society of American Archivists (SAA), National Archives and Records Administration (NARA), American Library Association (ALA), and the Association for Information and Image Management (AIIM). The Organization's address for the purpose of ordering [publications] **copies of their standards** is as follows:

National Information Standards Organization
Techstreet/NISO Press Fulfillment
[P.O. Box 338
National Information Standards Organization
Oxon Hill, MD 20750-0338]
777 East Eisenhower Parkway
Ann Arbor, MI 48108
Telephone: [(800) 282-NISO (282-6476)] **(800) 699-9277**
Fax: [(301) 567-9553] **(734) 913-3946**
Website: <http://www.niso.org>

"NIST" means the National Institute of Standards and Technology, formerly known as the National Bureau of Standards, the principal standards agency within the United States government. NIST oversees the development of Federal information processing

standards and conducts related studies for other Federal agencies. The Institute's address for the purpose of ordering [publications] **copies of their standards** is as follows:

[National Institute of Standards and Technology]
National Technical Information Service (NTIS)
U.S. Department of Commerce
Springfield, VA 22161
Telephone: [(703) 487-4650] **(800) 553-6847**
Fax: (703) 605-6900
Website: <http://www.nist.gov>

...

"OSF" means the Open Software Foundation or Open Systems Foundation, which hosts industry-wide, collaborative software research and development for the distributed computing environment. Founded in 1988, OSF joined with X/Open Company Ltd. (X/Open) to form the Open Group in February 1996 to work together to deliver technology and wide-s-scale adoption of open systems specifications. The [Fountain's] address **of the Open Group, for the purpose of ordering copies of their standards** is as follows:

[Open Systems Foundation
11 Cambridge Center
Cambridge, MA 02142]
The Open Group
Publications Department
Thames Tower
37-45 Station Road
READING, Berkshire RG1 1LX
United Kingdom
Telephone: [(617) 621-8700] **(415) 276 3760 (U.S. Number)**
[Fax: (617) 621-8781]
Website: <http://www.opengroup.org/bookstore/>

...

"SAA" means the Society of American Archivist (SAA), the oldest and largest organization for archives and archivists in North America. The association establishes standards and guidelines for the identification, preservation and use of records of historical value. The [Society's] address **of the Society for the purpose of ordering copies of their standards**, is as follows:

Society of American Archivist
[600 S. Federal, Suite 504] **527 S. Wells Street, 5th floor**
Chicago, IL [60605] **60607-3922**
Telephone: (312) 922-0140
Fax: (312) 347-1452
Website: <http://www.archivists.org>

"State Records Committee" or "committee" means the State Records Committee, **composed of the Attorney General, State Treasurer, State Auditor, Director of the Division of Local Government Services in the Department of Community Affairs, and the Director of the Division of Archives and Records Management in the**

Department of State or their designees, as established pursuant to P.L. 1953, [c.410] c.410 (N.J.S. 47:3-20).

“TAPPI” means the Technical Association of the Pulp and Paper Industry (TAPPI), founded in 1915, TAPPI has grown into the world’s largest professional association serving the pulp, paper, converting and packaging industries. Through TAPPI, suppliers and consultants working in the pulp, paper, packaging, and converting industry contribute their technical expertise to the industry, set standards, and develop their core competencies. The address of the Association for the purpose of ordering copies of their standards is as follows:

Technical Association of the Pulp and Paper Industry
TAPPI PRESS
P.O. Box 791190
Baltimore, MD 21279-1190 USA
Telephone: (800) 332-8686
Fax: (770) 209-7206
Website: <http://www.tappi.org>

15:3-4.3. Image processing systems

(a)-(b) (No change.)

(c) Any image processing system used to create, store or maintain public records designated for long-term or permanent retention by retention schedules approved by the State Records Committee shall [produce] **provide for the preservation of such records; otherwise, retention and storage of the original records is required. Such records and backup copies shall be stored and maintained in accordance with the provisions in N.J.A.C. 15:3-6, Storage of Public Records. The options for providing preservation of records are as follows:**

1. [backup] **Backup** copies of such records on paper that meet the standards set forth [in Permanence of Paper for Printed Publications and Documents in Libraries and Archives (NISO Z39.48-1992, as amended and supplemented, incorporated herein by reference)] **at N.J.A.C 15:3-2.7.**

2. [produce backup] **Backup** copies of such records on microfilm [which meets] **that meet** the standards set forth in N.J.A.C. 15:3-3[6]; or

3. [provide for] **A** completely and clearly documented, demonstrated and tested path to migrate data to other media **upon written application by the agency and review and review and approval by the Chief of the Bureau of Records Management, in the Division of Archives and Records Management.** Any proposed data migration routine or facility shall be tested for viability on a periodic basis or following any changes to the configuration of the system according to procedures established under the provisions of N.J.A.C.15:3-4.7.

[1.Otherwise, retention and storage of the original records is required.

2.Such records and backup copies shall be stored and maintained in accordance with N.J.A.C. 15:3-6, Storage of Public Records.]

(d)-(o) (No Change.)

15:3-4.5: Image storage and retrieval

(a) **Standard file formats and compression methods.** Any image processing system used for public records shall support standard file formats and compression methods and allow for the interchange of documents with other systems. [Recommended] **Required** standards include **single-page** Tagged Image File Format (TIFF)[,] **with** CCITT Group III and/or IV **compression for bitonal (black and white) images, Portable Network Format (PNG) for grayscale or color images,** and Open Document Architecture/Open Document Interchange Format (ODA/ODIF). Image processing systems shall include CCITT Group III and/or IV electronic facsimile (fax) capabilities and standard file formats, incorporated herein by reference, or the system developer shall provide completely documented and tested procedures and techniques for the conversion of images and data in compliance with these standards.

1. Use and implementation of the PNG file format (International standard ISO/IEC 15948:2003, incorporated herein by reference, as amended or supplemented) for grayscale or color images, shall only be at the direction and with the review and approval of the Division of Archives and Records Management, upon written application by the agency to the Chief of the Bureau of Records Management in the Division of Archives and Records Management.

i. To be approved, the application must include the following:

(1) Copies of scanned images in both TIFF and PNG formats; and

(2) At attestation that using TIFF format to scan a record or group of records (ordinarily used for digital imaging of bitonal (black and white) records) cannot create legible and accurate reproductions of record or records in question and that scanning such record or records utilizing the PNG format to create grayscale or color images of the record or records will produce legible and accurate reproductions of such record or records.

2. Information on the issuing authority for these standards and how to obtain a copy of them is set forth in N.J.A.C. 15:3-4.2.

(b)-(d) (No change.)

15:3-4.10: Scanning legacy records; best evidence

(a) Pursuant to the provisions of N.J.A.C. 15:3-4.6(h), in the event an image processing system created or maintained for the management of public records by a State or local government agency contains images of records that do not conform to State standards pursuant to the requirements of this subchapter, scanned images from uncertified microfilm that does not conform to State standards pursuant to the requirements of N.J.A.C. 15:3-3, or scanned documents that are not original records that conform to State standards due to loss, theft, destruction, natural disasters or human causes, the agency shall petition the State Records Committee to declare such records as the best available evidence of the action or transaction the records document.

(b) If, upon review of an agency's petition, the State Records Committee approves the designation of any images of records that do not conform to State standards as the best available evidence of the action or transaction the records document pursuant to (a) above, the declaration of a record series or series of records as the best available evidence shall be documented in the proceedings of the

Committee and maintained in the files of the Committee for the duration of the retention schedule for such records.

(c) Upon approval of an agency's petition by the State Records Committee and the declaration of the images a record series or series of records as the best available evidence, each image of such records shall bear or be caused to bear a watermark, imprint, header or footer permanently associated with each image identifying it as best available evidence.

SUBCHAPTER 5. CERTIFICATION OF IMAGE PROCESSING SYSTEMS

15:3-5.4: Responsibilities of the Division of Archives and Records Management

(a)-(d) (No change.)

(e) **Non-compliance.** If the Division determines that an image processing system fails to comply with applicable rules, it shall state in writing to the agency how the system and operational procedures are not in compliance and provide guidance as to the changes that must be made to achieve compliance as required by N.J.A.C. 15:3-4.7(e)5.

1. **An image processing system created or maintained for the management of public records by a State or local government agency shall not be certified or maintain its certification, if it contains:**

i. **Images of records that do not conform to State standards pursuant to the requirements of N.J.A.C. 15:3-4;**

ii. **Scanned images for uncertified microfilm that does not conform to State standards pursuant to the requirements of N.J.A.C. 15:3-3; or**

iii. **Scanned documents that are not original records that conform to State standards,**

2. **System certification or maintenance of certification cannot occur unless or until such records are deleted from the system or are approved by the State Records Committee as "best available evidence" and are identified as such pursuant to the provisions of N.J.A.C. 15:3-4.10.**

(f) - (g) (No change.)

15:3-6.3, Records storage facility

(a) (No change.)

(b) The following pertain to referenced standards:

1. (No change)

2. All building and construction in the State of New Jersey, undertaken by any State or local government agency, subdivision, district or authority must comply with the provisions of the Uniform Construction Code (UCC), N.J.A.C. 5:23, as adopted by the Department of Community Affairs, Division of Codes and Standards [in 35 N.J.R. 1939 et seq., effective May 5, 2003].

(c) Records storage facilities containing public records, except for those facilities or portions of facilities excluded in this subsection, shall comply with all appropriate building and safety codes, standards, rules and guidelines for storage of records as amended and supplemented, incorporated herein by reference including:

1. Any records storage facility used for the storage public records shall be of a nature that minimizes the potential for and the resultant effects of fire. Records storage facilities shall be Type I, II, or III construction per the International Building Code (IBC-2000), Section 602.1, as amended by N.J.A.C. 5:23, that are those types of construction in which the exterior walls are of noncombustible materials and the interior building elements are of fire-resistive materials permitted under the provisions of IBC-2000.

i. For new construction, reference **the Uniform Construction Code, N.J.A.C. 5:23, including, but not limited to,:**

(1)-(3) (No change.)

ii. (No change.)

2-14. (No change.)

15. Per ANSI/NFPA 232, 7.1.3.1, where paper records are stored on open shelf file equipment at heights 12 feet (3.7 meters) or less, the design criteria of ANSI/NFPA 13, Standard for the Installation of Sprinkler Systems, shall be in accordance with Ordinary Hazard Group 2. Where paper records are stored on open shelf file equipment at heights in excess of 12 feet (3.7 meters), the design criteria of ANSI/NFPA 230, Standards for Fire Protection of Storage, shall apply. Storage shall be considered a Class III Commodity. Where paper records are stored on open shelf file equipment, rack structures and solid, slatted or wire mesh shelving shall be constructed of non-combustible material.

i. For new construction, reference **the Uniform Construction Code, N.J.A.C. 5:23, including, but not limited to,:**

(1)-(3) (No change.)

ii. (No change.)

(d)-(f) (No change.)

SUBCHAPTER 7. NEW JERSEY PUBLIC ARCHIVES AND RECORDS INFRASTRUCTURE SUPPORT (PARIS) GRANTS

15:3-7.2, Definitions

The words and phrases used in this subchapter shall have the same meaning as defined in N.J.A.C. 15:3-1.2, as amended and supplemented, except the following words and phrases which shall have the designated meanings, unless the context clearly indicates otherwise.

...

“Division of Archives and Records Management,” “Division” or “DARM” means the Division of Archives and Records Management in the Department of State as established by the Governor’s Reorganization Plan filed April 25, 1983 as set out under N.J.S.A. 18A:73-26.

...

“Project Manager” means the full-time management-level executive or officer designated by the governing body to have the authority and subject matter knowledge to oversee the fulfillment of the grant terms. Pursuant to the provisions of N.J.S.A. 40A:9-133(e)(6), the Municipal Clerk **or his or her designee** shall serve as project manager for any application for a PARIS grant for a municipality.

...

15:3-7.5, Eligible costs

(a) The following expenses directly related to the project are eligible for grants:

1 - 9. (No change.)

10. Shelving, map cabinets, **open-shelf lateral files and file cabinets**, and [specialized fire-proof filing cabinets] **two or more hour fire-resistant file cabinets**.

11. - 13. (No change.)

14. Planning projects to develop, test and implement disaster and recovery plans and systems and projects to inhibit damage and/or restore records damaged in a disaster, **including but not limited to personnel such as conservation/preservation consultants, clerical workers, and laborers; purchased services such as freeze drying, microfilming, freezer storage, transportation and rental; and supplies, such as acid free boxes, folders, and other enclosures, cleaning materials, plastic milk crates, and storage boxes.**

15. Salary and benefits for a Professional Records Manager and/or Archivist and Archives and records management technicians and support staff[.]; and

16. Lease or rental of temporary office space for records triage or disaster recovery or office space for records management pending a move to a new facility, upon approval by the State Records Committee, upon written application, by the agency to the head of the PARIS grant program in the Division of Archives and Records Management and review and approval by the State Records Committee. Such office space must meet the requirements as set forth at N.J.A.C. 15:3-6.

15:3-7.7. Procedures.

(a) (No change.)

(b) The following four basic steps shall constitute the PARIS grant application procedure:

1.-3 (No change.)

4. Complete applications shall include:

i-viii. (No change.)

ix. Authorized signature.

(1) The governing body of a county shall designate by resolution the signatory for the grant application. The signatory on the application shall be a full-time management-level executive or officer of the county with authority and subject matter knowledge to oversee the fulfillment of the grant terms.

(2) Pursuant to the provisions of N.J.S. 40A:9-133(e)(6), the Municipal Clerk shall serve as signatory for any application for a PARIS grant for a municipality. **A Municipal Clerk may delegate his or her responsibilities as signatory to a designee, provided such designee is approved by the State Records Committee, upon written application to the head of the PARIS grant program in the Division of Archives and Records Management and review and approval by the State Records Committee. Such delegation shall be to a municipal employee having the authority to oversee grant projects at an enterprise-wide level.**

(c) Each application shall contain sufficient information to ensure that the State Records Committee is able to conduct [and] **an** adequate and thorough review. Applications not technically complete at the time of review, established by the State Records, shall not be eligible. **The Division of Archives and Records Management**

staff shall review all applications before submission to review process for the State Records Committee to determine that proposed projects conform to State regulations pursuant to N.J.A.C. 15:3 and that all relevant records have been certified or shall be certified during the course of the grant project.

(d) - (f) (No change.)

15:3-7.10 Annual public notice

(a) (No change.)

(b) [DARM] **The Division of Archives and Records Management** shall annually publish a public notice in the New Jersey Register and post on the [DARM] **Division** website a timetable for grant applications in a given grant cycle. The annual [timetable] **public notice** shall include:

1 - 5. (No change.)

6. Final report due dates; [and]

7. [Maximum] **Minimum and maximum grant** award amounts[.]; and

8. Priorities established by the State Records Committee, including a listing of categories, subcategories, and specific projects that may be funded during the current grant cycle.

SUBCHAPTER 8. RECORDS DISASTER RECOVERY AND TRIAGE (RECORDS DIRECT) GRANTS

15:3-8.4, Eligible costs

(a) Cost attendant to the following shall be eligible for grants:

1. (No Change)

2. Purchased services such as freeze drying, microfilming, freezer storage, transportation and rental; [and]

3. Supplies, such as acid free boxes, folders, and other enclosures, cleaning materials, plastic milk crates, and storage boxes[.], **and;**

4. Lease or rental of temporary office space or records storage for disaster recovery, upon approval by the State Records Committee, upon written application, by the agency to the head of the PARIS grant program in the Division of Archives and Records Management and review and approval by the State Records Committee. Such office space must meet the requirements set forth in N.J.A.C. 15:3-6.